

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

In re: OHIO EXECUTION
PROTOCOL LITIGATION,

Case No. 2:11-cv-1016

Chief Judge Edmund A. Sargus, Jr.
Magistrate Judge Michael R. Merz

This Order relates to All Plaintiffs

ORDER TO COMPLY FORTHWITH

In its Decision and Order Granting in Part and Denying in Part Defendants' Motion for a Scheduling Order, the Court wrote:

With respect to each claim for relief pleaded therein, Plaintiffs shall indicate to which claims made in the Fourth Amended Complaints of Plaintiffs Tibbetts, Otte, and Campbell the particular claim is parallel.

(ECF No. 1128, PageID 43294.)

The Fourth Amended Complaint contains the following at footnote 42:

The claims alleged below are enumerated using the numbering used in the Fourth Amended Complaint filed by Plaintiff Campbell (ECF No. 978). It is intended that the forthcoming Amended Individual Supplemental Complaints filed by individual Plaintiffs will likewise maintain the same numbering. Thus, they are "parallel" in the respect that they use the same numbering and have *some* legal theories and/or factual allegations that are the same. The entirety of the legal theories and the factual allegations, however, is not or will not be necessarily *identical* to the legal theories and/or factual allegations presented in Campbell's Fourth

Amended Complaint or the Fourth Amended Complaints filed by
Plaintiff Tibbetts and former Plaintiff Otte.

(ECF No. 1252, PageID 45721).

Footnote 42 does not comply with the prior Decision and Order. “Parallel” does not mean “identical.” Plaintiffs’ counsel are ordered to comply with the prior Decision and Order by filing forthwith a document which contains in parallel columns (1) each claim for relief (cause of action) in the Fourth Amended Omnibus Complaint (ECF No. 1252) and (2) each claim for relief in the Fourth Amended Complaint of Plaintiff Campbell, paired with the claim or claims in the first column which is parallel to the claim in the first column in that it has “some legal theories and/or factual allegations that are the same.”

September 25, 2017.

s/ *Michael R. Merz*
United States Magistrate Judge